IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

FRIDAY, THE 24TH NOVEMBER 2006 / 3RD AGRAHAYANA 1928

WP(C).No. 30422 of 2006(V)

PETITIONER:

P.B. ANIL KUMAR, S/O. BHASKARAN,
AGED 40 YEARS, THIRUNAYANAM, AVALOOKUNNU P.O.,
SOUTH ARYAD, ALAPPUZHA.

BY ADV. SRI.K.S.HARIHARAPUTHRAN
SRI.GEORGE MATHEW

RESPONDENTS:

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1. STATE OF KERALA,
REPRESENTED BY THE CHIEF SECRETARY,
THIRUVANANTHAPURAM.

2. DEPUTY TAHSILDAR (R.R),
AMBALAPUZHA TALUK, ALAPPUZHA.

3. VILLAGE OFFICER,
KOMALAPURAM VILLAGE, ALAPPUZHA.

4. SECRETARY,
ARYAD SOUTH GRAMA PANCHAYATH, ALAPPUZHA.

5. PANCHAYATH COMMITTEE,
ARYAD SOUTH GRAMA PANCHAYATH, ALAPPUZHA,
REPRESENTED BY ITS PRESIDENT.

R1 TO R3 BY GOVT. PLEADER MR.MATHEW G.VADAKKEL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 24/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE,J.

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W.P.(C)No.30422 of 2006

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Dated: 24th November, 2006

JUDGMENT

The grievance of the petitioner is that even as the appeal Ext.P1 and stay petition Ext.P2 filed by him are pending before the Committee of the 5th respondent-Panchayat Committee, the Panchayat is threatening to initiate coercive process for recovery of the amounts which were advanced under the 'Abhaya Bhavana Nirman Padhathi'. Going by the dates shown in Exts.P1 and P2, they were filed wayback in July, 2005. Mr.K.S.Hariharaputhran, learned counsel for the petitioner asserts that even now Exts.P1 and P2 are pending. Under these circumstances, this Writ Petition will stand disposed of at this stage itself even without issuing notice to the respondents:

If Exts.P1 and P2 are actually pending with the 5th respondent, the 5th respondent will take up Exts.P1 and P2, hear the petitioner and dispose of them in accordance with law at its earliest and at any rate within six weeks of their receiving a copy of this judgment together with a copy of the writ petition and all the exhibits. Till such time as Exts.P1 and P2 are disposed of by the 5th respondent,

coercive action will not be taken by the Panchayat against the petitioner for recovery of the amounts allegedly due.

srd **PIUS C.KURIAKOSE, JUDGE**